

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 14 APR 2005



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Applicant's or agent's file reference 02 DC 26 E	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IT 02/00774	International filing date (day/month/year) 10.12.2002	Priority date (day/month/year) 10.12.2002
International Patent Classification (IPC) or both national classification and IPC C23C16/46		
Applicant ETC SRL et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 11.05.2004	Date of completion of this report 12.04.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Joffreau, P-O Telephone No. +49 89 2399-8451 

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International application No. **PCT/IT 02/00774**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-22 as originally filed

Drawings, Sheets

1-5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-5,9-11,14-17,20
	No: Claims	1,2,6-8,12,13,18,19,21,22
Inventive step (IS)	Yes: Claims	
	No: Claims	3-5,9-11,14-17,20
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1). Reference is made to the following document/s:
 - D1: US-A-4 794 217 (Li Zhi Jian et al) 27 December 1988 (1988-12-27)
 - D2: US-A-5 695 567 (Nilsson Roger et al) 9 December 1997 (1997-12-09)
 - D3: WO 02/38838 A (Aixtron AG; Kaeppler Johannes (DE); Wischmeyer Frank (DE); Berge) 16 May 2002 (2002-05-16)
 - D4: WO 02/38839 A (Aixtron AG; Kaeppler Johannes (DE); Wischmeyer Frank (DE); Berge) 16 May 2002 (2002-05-16)
 - D5: GB-A-1 458 222 (Electricity Council) 8 December 1976 (1976-12-08)
- 2). The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1 and 15 is not new in the sense of Article 33(2) PCT.
 - 2.1). The document D1 discloses (cf col.3, lines 62-66; col.4, lines 27-33; col.7, line 8 to col.8, line 36; Figures 5-7) a susceptor system for an apparatus adapted to treat wafers, said susceptor being provided with a cavity (26) which acts as a chamber for the treatment of said wafers and which extends in a longitudinal direction (see Figure 5) and is delimited by an upper wall (8+25), by a lower wall (8+25), by a right-hand and a left-hand wall (25), the upper wall (8+25) being constituted by at least one piece (8) of electrically conducting material suitable for being heated by electromagnetic induction, e.g. graphite, the lower wall (8+25) being constituted by at least one piece (8) of electrically conducting material suitable for being heated by electromagnetic induction, e.g. graphite, the right-hand wall (25) being constituted by at least one piece of inert, refractory and electrically insulating material, e.g. a dielectric coating reflecting IR radiations, the left-hand side(25) being constituted by at least one piece of inert, refractory and electrically insulating material, e.g. a dielectric coating reflecting IR radiations, and all parts are separated from one another by quartz parts (12), i.e. electrically insulated from each others.

Document D1 discloses also an apparatus (6) comprising the above-mentioned

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susceptor.

No difference can be seen between the subject-matter of claims 1 and 15 and the susceptor and apparatus known from D1.

- 3). Dependent claims 2 to 14, respectively 16 to 22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (claims 2, 6-8, 12, 13, 18, 19, 21 and 22) and/or inventive step (claims 3-5, 9-11, 14-17 and 20), see documents D1-D5 and the corresponding passages cited in the search report.

For claims 2, 6-8, 12, 13, 18, 19, 21 and 22, see more particularly document D1, above citations; for claims 3, 5 and 9, see document D2, col.6, lines 45-65; for claim 10 and 16, see document D3, Figure 2; for claims 14 and 20, see document D4, Figure 3 and for claim 11, see document D5, Figure 1.